

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

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ROSS DOWNING,	:	
	:	
Plaintiff,	:	Case No. 3:05CV328
	:	
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
RED LOBSTER,	:	
	:	
Defendant.	:	

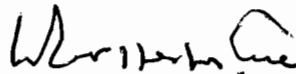
**DECISION AND ENTRY ADOPTING SUPPLEMENTAL REPORT AND
RECOMMENDATIONS FILED ON FEBRUARY 21, 2007 (Doc. #25); GRANTING
DEFENDANT'S MOTION TO DISMISS (Doc. #9); DISMISSING WITHOUT PREJUDICE
PLAINTIFF'S AMENDED COMPLAINT (Doc. #4); AND TERMINATING THE CASE ON
THE DOCKET OF THIS COURT**

The Court has conducted a de novo review of the Supplemental Report and
Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #25), to whom
this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections
have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b)
has expired, hereby **ADOPTS** said Supplemental Report and Recommendations.

It is therefore **ORDERED** that:

1. The Supplemental Report and Recommendations filed on February 21, 2007
(Doc. #25) is **ADOPTED** in full;
2. Defendant's Motion to Dismiss (Doc. #9) is **GRANTED**;

3. Plaintiff's Amended Complaint (Doc. #4) is DISMISSED without prejudice; and
4. The case is terminated on the docket of this Court.

A handwritten signature in black ink, appearing to read "Walter Herbert Rice", is positioned above a horizontal line.

Walter Herbert Rice
United States District Judge